

STATE LIBRARY OF PENNSYLVANIA



3 0144 00502667 9

Acts of Assembly Pertaining
to Civilian Defense (As
Amended to October, 1943)

PY
D313.2
A188a
1943
c.1



COMMONWEALTH OF PENNSYLVANIA
STATE COUNCIL OF DEFENSE



**ACTS OF ASSEMBLY PERTAINING
TO CIVILIAN DEFENSE**

(As Amended to October, 1943)

State Council of Defense Act

Air Raid Precautions Act

Act Authorizing Local Appropriations

Emergency Child Care Centers Act

STATE COUNCIL OF DEFENSE

113 State Capitol

Harrisburg

October, 1943



PENNSYLVANIA STATE LIBRARY
DOCUMENTS SECTION

P3-8.7
4.38.1a.c
1943

**STATE COUNCIL OF DEFENSE
OF PENNSYLVANIA**

Governor Edward Martin, Chairman

Hon. John C. Bell, Jr., Lieutenant Governor

Hon. G. Harold Wagner, State Treasurer

Hon. F. Clair Ross, Auditor General

Hon. Wm. S. Livengood, Secretary, Internal Affairs

Gen. Robert M. Vail, Adjutant General, Vice-Chairman

Senator Charles H. Ealy, President Pro Tem., Senate

Hon. Ira T. Fiss, Speaker of the House

Mrs. Worthington Scranton

Webster Newton Jones

Walter H. Annenberg

Ralph Cooper Hutchison, Executive Director

A. Boyd Hamilton, Secretary and Deputy Director

STATE COUNCIL OF DEFENSE ACT

The Act of March 19, 1941, P. L. 6, as amended by the Act of May 21, 1943, P. L. —, Act No. 185

AN ACT

Relating to national and State defense, providing for the establishment of a State Council of Defense and of local and district councils of defense, prescribing the powers and duties thereof, and providing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short Title.—This act shall be known and may be cited as the “State Council of Defense Act.”

“State Council of Defense Act.”

Section 2. Establishment of State Council of Defense.—The Governor is hereby authorized and empowered in time of emergency or public need in the nation or the State to create by proclamation a State Council of Defense, hereinafter designated as the “Council,” for the general purpose of assisting in the coordination of the State and local activities related to national and State defense. Whenever he deems it expedient, the Governor may by proclamation dissolve or suspend such council or re-establish it after any such dissolution or suspension.

Governor empowered to create and to dissolve State Council of Defense.

Section 3. Organization of Council.—(a) The council shall consist of the Governor (who shall be chairman), the Lieutenant-Governor, the State Treasurer, the Auditor General, the Secretary of Internal Affairs, the Adjutant General, the Speaker of the House of Representatives and the President pro tempore of the Senate, and their respective successors in office, and three citizens of Pennsylvania, one to be appointed by the Governor, one by the Speaker of the House of Representatives, and one by the President pro tempore of the Senate.

Council to consist of Governor, Lieutenant Governor, State Treasurer, Auditor General, Secretary of Internal Affairs, Adjutant General, Speaker of House, President pro tempore of Senate, a citizen appointed by Governor, a citizen appointed by Speaker of the House and a citizen appointed by President pro tempore of the Senate.

(b) The council may employ an executive director and such technical, clerical, stenographic and other personnel and fix their compensation and may make such expenditures within the appropriation therefor, or other funds made available to it, as are necessary to carry out the purposes of this act.

Council empowered to employ personnel.

(c) The members of the council shall serve without compensation but may be reimbursed for their actual and necessary traveling and other expenses incurred in connection with attendance upon meetings of the council.

Council members to serve without compensation except for necessary expenses.

(d) The council shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing in the same manner as other State agencies are supplied.

Council to be provided with office and equipment.

Section 4. Powers and Duties.—The council shall have the following powers and duties:

(a) To adopt, amend and repeal rules, regulations and by-laws governing its procedure and activities.

(b) To cooperate with the Advisory Committee to the Council of National Defense through its Division of State and Local Cooperation or with any similar Federal agencies hereafter created and with any departments or other Federal agencies engaged in defense activities.

(c) To cooperate with similar councils of defense in other states.

(d) To cooperate with local defense councils.

(e) To supervise and direct investigations and report to the Governor with recommendations for legislation or other appropriate action as it may deem necessary with respect to the following matters, in so far as they are or may be related to defense:

- (1) Industrial materials and facilities;
- (2) Production and manufacturing facilities;
- (3) Agriculture, food supply and land use;
- (4) Transportation facilities;
- (5) Labor supply and training, labor relations and human resources, professions, trades and skills;
- (6) Consumers and consumer protection;
- (7) Housing and related facilities;
- (8) Health, hospitals and sanitation facilities;
- (9) Welfare;
- (10) Educational facilities;
- (11) Recreational areas and facilities;
- (12) Finance;
- (13) Civil liberties, including, but without limiting*, the protection thereof, maintenance of law and order and measures to guard against sabotage and subversive activities;
- (14) Civil defense, including police mobilization, coordination for fire protection and disaster relief;
- (15) Any other type of activity directly or indirectly related to defense.

(f) To create committees either within or without its membership to aid it in the discharge of its powers and duties.

(g) To require and direct the cooperation and assistance of State and local governmental agencies and officials.

* "limitation" in original.

(h) To make full investigations as to all questions directly or indirectly relating to the powers or duties vested in it by this act or by any other law.

(i) To do all acts and things not inconsistent with law for the furtherance of defense activities.

**(j) To undertake, supervise or direct the making of studies and surveys of all activities, matters and things which are or may be related to the war effort, but not limited to the nature, extent, location and availability for use within the State of industrial materials and facilities, production and manufacturing facilities, transportation facilities, agriculture, food and water supply, and land use, labor supply and training, labor relations and human resources, professions, trades and skills, housing and related facilities, hospitals, clinics and other health and sanitation facilities, educational facilities, recreational areas and facilities, consumers and consumer protection, welfare, finance, mobilization and coordination of the police, fire-fighting, health, medical and welfare forces of the State for the protection of the people against air raid shelling or other enemy action, fire, flood, famine, violence, riot, insurrection, disaster, the protection of civil liberties and maintenance of law and order, and any and all other subjects and matters deemed by the council to be relevant or germane to the war effort.*

(k) To cooperate with agencies established by or pursuant to laws of the United States, and of the several states, to promote civilian protection and the war effort, and to cooperate with and coordinate the work and activities of all local councils of the State and of all other agencies having substantially similar objects and purposes.

(l) To create or designate agencies of the council to aid and assist under this act, and to grant authority to such agencies as may be deemed necessary for the effective accomplishment of any of its functions, powers and duties.

(m) To adopt, promulgate and enforce rules and orders not inconsistent with rules or orders of the United States Army or Navy, or of the Federal Office of Civilian Defense, with respect to the organization, recruiting, training, maintenance and operation of aircraft warning services, observation and listening posts, information and control centers, and such other services and facilities as may be necessary for the prompt reception and transmission of air raid warnings and signals.

(n) To prescribe and direct activities to the extent related to the war effort in connection with the follow-

* Italicized portion as amended by the Act of May 21, 1943, Act No. 185.

ing: Salvage and prevention of waste of strategic materials, conservation of transportation facilities; training and supply of labor, utilization of industrial plants, health and medical care, nutrition, housing, including the use of existing public and private facilities, rehabilitation, education, welfare, child care, recreation for industrial workers and members of the armed forces, promotion of the rationing and price control programs, sale of war bonds and stamps, and other civilian programs in furtherance of the war effort.

(o) To create committees either within or without its membership to aid it in the discharge of its powers and duties.

Council and local district councils to utilize existing governmental facilities where possible.

Section 5. Utilization of Existing Services and Facilities.—In order to avoid duplication of services and facilities the council and the local and district councils of defense established under the authority of this act are directed to utilize the services and facilities of existing officers, offices, departments, commissions, boards, bureaus, institutions and other agencies of the Commonwealth and of the political subdivisions thereof. All such officers and agencies shall cooperate with and extend their services and facilities to the council and to the local and district councils of defense as they shall request.

Political subdivisions empowered to create local councils vested with same powers and duties possessed by Council.

Section 6. Local Councils of Defense.—Each political subdivision of the Commonwealth may establish a local council of defense by the proclamation of the executive officers or governing body thereof. Local councils of defense, if and when established, shall cooperate with and assist the council and shall perform such services as may be requested by it. Local councils may act jointly with other such councils. In so far as applicable, local councils shall have the same power and duties within their respective jurisdictions as are vested in the council. Such local councils shall terminate or cease activity whenever the council is dissolved or suspended.

**It shall be the duty of every local council of defense to execute and enforce such rules and orders as the State Council of Defense shall adopt and promulgate under the authority of this act. Each local council of defense shall have available for inspection at its office all rules and orders adopted by the State Council of Defense.*

Council empowered to create district councils.

Section 7. District Councils of Defense.—In cooperation with local officials, the council is authorized to establish district councils of defense in critical areas of the Commonwealth of special importance in defense activities. Such district councils shall act as coordinat-

* Italicized portion as amended by the Act of May 21, 1943, Act No. 185.

ing agencies under the supervision and direction of the council and in cooperation with local governmental agencies.

**It shall be the duty of every district council of defense to execute and enforce such rules and orders as the State Council of Defense shall adopt and promulgate under the authority of this act. Each district council of defense shall have available for inspection at its office all rules and orders adopted by the State Council of Defense.*

Section 8. **Penalties.—Any person violating any of the rules and orders adopted and promulgated under section four** by the State Council of Defense, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding fifty (\$50) dollars or imprisonment not exceeding thirty (30) days or both for the first offense, and a fine not exceeding two hundred (\$200) dollars or imprisonment not exceeding (90) days or both for each subsequent offense.*

Section 9. Separability of Provisions.—If any provision of this act or the application of such provision to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 10. This act shall become effective immediately upon its final enactment.

Provisions of act to be severable.

Act effective immediately.

AIR RAID PRECAUTIONS ACT

The Act of April 13, 1942, P. L. 37, as amended by the Act of May 6, 1943, P. L. —, Act No. 85

AN ACT

Relating to air raid precautions, including blackouts; conferring certain powers and duties upon the State Council of Defense, local and district Councils of Defense, political subdivisions, members of certain municipal and volunteer agencies and civilians necessary for the safety, defense and protection of civilians and property in the Commonwealth; providing for the mobilization, coordination and use of certain municipal agencies and volunteer agencies, including their personnel and equipment; providing for immunity from liability for injury or death to persons or damage to property under certain circumstances, and providing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as† follows:

Whereas, the supreme emergency of the world-wide

Air Raid Precautions Act.

* Italicized portion as amended by the Act of May 21, 1943, Act No. 185.

** "4" in original.

† "as" omitted in original.

war has resulted in conditions of imminent danger to the lives and property of the citizens of the United States and of this Commonwealth from air raids calling for a state of preparedness to meet such danger, and

Whereas, an adequate defense to air raids is vital to the protection and security of persons and property and the furtherance of the prosecution of the war, and

Whereas, an united and coordinated effort of civilians and state, local and volunteer agencies and facilities is essential in formulating and complying with precautionary measures to meet the emergency:

Title.

Section 1. This act shall be known and may be cited as the "Air Raid Precautions Act".

Definitions.

Section 2. The following words and phrases shall have the meaning ascribed to them in this section:

"Attack" shall mean all conditions of hostile air raid attack.

"Drill" shall mean air raid drill and practice black-out.

"During attack or drill" shall mean immediately prior to, during and immediately subsequent to an air raid drill, practice blackout or all actual conditions of hostile air raid attack.

"Local and District Councils of Defense" shall mean such councils established under the provisions of the act, approved the nineteenth day of March, one thousand nine hundred and forty-one (Pamphlet Laws, six).

"Municipal agencies" shall mean and include police, fire, sanitation, sewer, water, engineering and all other regular municipal agencies manned by officers and employes of a political subdivision of the Commonwealth charged with duties and responsibilities in connection with civilian protection.

"Political subdivision" shall mean any county, city, borough, incorporated town and township.

"State Council of Defense" shall mean such council established under the provisions of the act, approved the nineteenth day of March, one thousand nine hundred and forty-one (Pamphlet Laws, six).

"Volunteer agencies" shall mean and include air raid wardens, auxiliary police, auxiliary firemen, bomb squads, rescue squads, medical forces, nurses' aides, repair crews, decontamination corps, demolition crews and all other civilian protection forces and services charged with duties and responsibilities in connection with civilian protection.

**Powers of State
Council of
Defense.**

Section 3. (a) The State Council of Defense shall during the continuance of the existing state of war between the United States and any foreign country have the power and its duty shall be to take such precaution-

ary measures as may be necessary for the safety, defense and protection of the civilian population of the Commonwealth and property within the Commonwealth with respect to air raids. In furtherance of this power and duty the State Council of Defense shall have power to adopt, promulgate and enforce rules, regulations and orders for this purpose. The State Council of Defense shall cause such rules, regulations and orders to be published and disseminated in the Commonwealth in such manner and to such extent as it shall deem necessary and advisable. Such rules, regulations and orders adopted by the State Council of Defense shall have the same force as if they formed a part of this act. Subject to the provisions of this act, and without limiting the general power conferred above, the State Council of Defense shall have the power and its duty shall be to make rules, regulations and orders regarding:

Promulgation of rules, regulations and orders.

Subjects to be covered by rules, regulations and orders.

(1) The organization, recruiting, training, maintenance and operation of aircraft warning services, observation and listening posts, information and control centers, including the location thereof, and such other services and facilities as may be necessary for the prompt reception and transmission of air raid warnings and drills;

(2) The formulation and execution of plans for the carrying out of practice blackouts, air raid drills and warnings and of all precautionary measures under actual conditions of hostile air raids or enemy attack;

(3) The organization, recruiting, training, conduct and duties and powers of volunteer agencies;

(4) The effective screening or extinguishment of all lights and lighting devices and appliances;

(5) The conduct of civilians and the movement and cessation of pedestrian and vehicular traffic during attack or drill;

(6) The evacuation of civilian populations from dangerous or damaged areas;

(7) The mobilization and coordination of municipal and volunteer agencies and the use of the personnel and equipment of such agencies wherever needed in the Commonwealth.

(b) Local and district Councils of Defense shall have the power to adopt, promulgate and enforce rules, regulations and orders not inconsistent with rules, regulations and orders adopted by the State Council of Defense with respect to the foregoing matters: Provided, however, That no rule, regulation or other order of any local or district Council of Defense shall become effective unless and until it shall have received the prior approval of the State Council of Defense. Each local and district

Powers of local and district Councils of Defense.

Council of Defense shall have available for inspection at its offices all rules, regulations and orders adopted by the State Council of Defense and by such local or district Council of Defense.

Duties of local Councils to enforce rules of State Council.

Section 4. It shall be the duty of every local and district Council of Defense to execute and enforce such plans, rules, regulations and orders as the State Council of Defense shall adopt and promulgate. The State Council of Defense is hereby authorized to designate and require agencies to aid and assist the council in the discharge of one or more of its powers and duties under this act and to grant authority to such agencies as may be deemed necessary for the effective accomplishment of any of its functions, powers and duties.

Coordination of functions and supplies of the several local Councils.

Section 5. The State Council of Defense in providing for the mobilization and coordination of municipal and volunteer agencies shall have power to make the personnel and equipment of such agencies available for duty and use in any political subdivision other than the political subdivision in which such personnel and equipment are normally used, employed or act. Unless existing or future voluntary agreements between political subdivisions require otherwise, the use of personnel and equipment of any municipal agencies in any political subdivision other than the political subdivision in which they normally are used, employed or act shall be without charge or expense to such political subdivision. Whenever any part of the regular personnel of any municipal agency of any political subdivision are engaged under the provisions of this act in rendering services in another political subdivision, such personnel shall have the same powers, duties, rights, privileges and immunities as if they were performing their duties in the political subdivision in which they are normally employed or act.

Regulation of use of supplies furnished by Federal agency.

Section 6. Whenever the United States or any agency or* officer thereof shall offer equipment, supplies, materials or funds for or relating to air raid defense activities to the Commonwealth or to any political subdivision thereof, the Commonwealth or political subdivision is hereby authorized to accept such offer, and the State Council of Defense shall have power and its duties shall be to adopt, promulgate and enforce rules, regulations and orders for the use of such equipment, supplies, materials and funds subject to the terms of the offer and subject also to the rules and regulations of the Federal agency making the offer.

Exemptions from liability for certain injuries during air raid drills, blackouts, etc.

Section 7. Neither the Commonwealth or any political subdivision thereof nor their agents or representatives nor any member of a municipal or volunteer agency nor

* "of" in original.

any individual, partnership, association, corporation, trustee, receiver, or any of the agents thereof, in good faith, carrying out, complying with or attempting to comply with any law or duly promulgated rule, regulation or order relating to blackouts, air raid drills or other activities connected with the protection of the civil population from air raids or enemy attacks shall be liable for any injury or death to persons or damage to property as the result of such activity. The foregoing shall not affect the right of any person to receive benefits to which he might otherwise be entitled under the Workmen's Compensation Law, any pension law, nor the right of any member of a volunteer agency to receive any benefits or compensation under any act of Congress.

Section 8. The provisions of this act and rules, regulations and orders adopted and promulgated under the provisions of this act shall be enforced by the State Council of Defense, local and district Councils of Defense, political subdivisions and municipal and volunteer agencies. Subject to limitations contained in rules, regulations and orders of the State Council of Defense, members of volunteer agencies shall have the powers of peace officers for the purpose of enforcing rules, regulations and orders adopted and promulgated for the purpose of enforcing this act: Provided, however, That such powers shall not be exercised or performed by them except while they are on active duty and displaying an authorized identifying badge or other insignia during an air raid drill or attack.

Powers of persons enforcing this act and rules promulgated thereunder.

Section 9. Any person violating any of the provisions of this act or any of the rules, regulations and orders adopted and promulgated under this act by the State Council of Defense or any local or district Council of Defense, or who shall fail to comply with any instructions lawfully given by any member of a municipal or volunteer agency or any person who shall without authority wear or display any official insignia authorized by the State Council of Defense or a local or district Council of Defense for use by members of any municipal or volunteer agency shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not exceeding two hundred dollars (\$200), or imprisonment not exceeding ninety (90) days, or both.

Penalties for violation of act and rules promulgated thereunder.

**All fines recovered under the provisions of this section shall be paid to the treasurer of the municipality or township in which the offense was committed for the use of such municipality or township.*

* Italicized portion as amended by the Act of May 6, 1943, Act No. 85.

Penalties for
false air raid
alarms or inter-
fering with
alarms.

Section 10. Whoever shall knowingly and wilfully utter any false air raid alarm signal or warning or who shall simulate any official air raid signal or warning or shall wilfully break, injure or remove any mechanical warning or signal device used therefor shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), or imprisonment for a term not exceeding two (2) years, or both: Provided, however, That any air raid alarm signal or warning uttered by any person in connection with any duly authorized air raid drill or practice blackout shall not be deemed to be a false air raid alarm signal or warning within the meaning of this section.

Act effective
immediately.

Section 11. This act shall become effective immediately upon its final enactment and shall continue in full force and effect during the continuance of the existing state of war between the United States and any foreign country.

ACT AUTHORIZING LOCAL APPROPRIATIONS

The Act of April 17, 1942, P. L. 42

AN ACT

Authorizing certain political subdivisions to make appropriations for the payment of expenses of local or district councils of defense within said political subdivisions and for the protection or preparation for the protection of the health, welfare and safety of the civilian population of said political subdivision during emergencies resulting from air raids, blackouts or sabotage; regulating the manner of payment of expenses of local and district councils of defense; authorizing such political subdivisions to borrow money under certain conditions for such purposes; providing for the repayment thereof, and ratifying, confirming and validating appropriations heretofore made for said purposes.

Local defense
appropriations.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Definitions.

Section 1. Definitions.—The following words and phrases used in this act shall have the meanings ascribed to them in this section:

“Political subdivisions” shall mean any county, city, borough, incorporated town and township.

“Local and district councils of defense” shall mean those established pursuant to the act, approved the nineteenth day of March, one thousand nine hundred and forty-one (Pamphlet Laws, six), entitled “An act relating to national and State defense, providing for the

establishment of a State Council of Defense and of* local and district councils of defense, prescribing the powers and duties thereof, and making an** appropriation*** therefor."

Section 2. Every political subdivision shall have the power to make appropriations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivisions, for the payment of expenses of local and district councils of defense and for protection and preparation for the protection of the health, welfare and safety of the civilian population of the said political subdivision during emergencies resulting from air raids, blackouts or sabotage. A political subdivision in making such appropriations shall specify the amounts and purposes for which the moneys so appropriated may be used by such councils of defense or other agency to or for which such appropriation may be made.

Political subdivisions empowered to make civilian defense appropriations.

Section 3. (a) Where the jurisdiction of the local or district council of defense is coterminous**** with the political subdivision making an appropriation for the payment of the expenses of the local or district council of defense, such local or district council of defense shall be an agency, board or commission of the political subdivision, subject to all of the laws governing the making of contracts or purchases, the employment of persons or otherwise incurring financial obligations which apply to the political subdivision. All bills or claims to be paid from any appropriation made pursuant to this act, after first being approved by the local or district council of defense or an appropriate officer thereof designated for the purpose, shall be paid from the treasury of the political subdivision only upon the warrant or order of the officer or officers of such political subdivision designated by law to approve or countersign warrants or orders for the payment of the ordinary expenses of such political subdivision and shall be subject to audit in the same manner as other financial transactions of such political subdivision. In each case the said officer or officers shall have the same power to approve or disapprove the same as they have in case of warrants for ordinary expenses of the political subdivision, and no warrant or order for the payment thereof shall be issued without such approval. Any gift or grant of money made to the local or district council of defense or to the political subdivision for the

Where political subdivisions coterminous with local defense council.

* "for" in original.

** "an" omitted in original.

*** "appropriations" in original.

**** "co-terminus" in original.

payment of expenses incurred or to be incurred by or for the local or district council of defense shall be deposited in the treasury of the political subdivision and shall be appropriated by the political subdivision for the purpose for which such gift or grant was made, and any bills or claims to be paid from such gift or grant shall be paid in the manner herein provided for the payment of other bills and claims against such political subdivision.

Where local defense council embraces more than one political subdivision.

(b) Where a local or district council of defense has jurisdiction in an area including all or parts of more than one political subdivision which does not include the whole area of any county, the political subdivisions, all or part of which lie within the jurisdiction of such local or district council of defense, shall before paying any expenses of such local or district council of defense enter into an agreement designating one of said political subdivisions as the agent of each of them for the purpose of paying the expenses of the local or district council of defense. The agreement shall also set forth the proportionate share of the expenses of the local or district council of defense to be paid by each political subdivision party to said agreement and an estimate of the amount required to be appropriated by each of them for the purpose of paying such expenses. The agreement shall be effective when approved by the corporate authorities of each of said political subdivisions by a majority vote and each of said subdivisions shall thereupon make an appropriation pursuant to section two of this act sufficient to pay its share of the expenses of the local or district council of defense. All bills and claims for expenses incurred by or for the local or district council of defense shall thereafter be paid in the first instance by the political subdivision named as agent in the aforesaid agreement in the manner provided in paragraph (a) of this section as though the local or district council of defense were coterminous* with such political subdivision, and the local or district council of defense shall be subject to all of the laws governing the making of contracts or purchases, the employment of persons, or otherwise incurring financial obligations, which apply to such political subdivision. The political subdivision designated as agent shall, not later than the fifteenth day of each month, submit an itemized account of the expenses of the local or district council of defense paid by it during the preceding calendar month to each of the other political subdivisions party to the said agreement, together with a request for reimbursement of the proportionate share of such expenses agreed to be paid

* "co-terminus" in original.

by each of such other political subdivisions. Each political subdivision so requested to make reimbursement shall do so, within thirty days after such request, from the appropriation made for the payment of the expenses of the local or district council of defense and, in the event of failure to do so, mandamus shall lie to compel the officers of such political subdivision to pay the agreed upon proportionate share of the proper expenses of the local or district council of defense out of the first moneys thereafter in the treasury of such political subdivision and not previously pledged to any other purpose: Provided, That no political subdivision shall be compelled to pay for any one year an amount greater than the amount estimated in the agreement as its proportionate share. The books and records of the political subdivision designated as agent in the agreement shall at all reasonable times be open to inspection by any authorized agent of each other political subdivision party to the agreement and by any taxpayer who by law is entitled to inspect the books or accounts of any political subdivision party to the agreement. Nothing in this paragraph shall be deemed to limit the power of any political subdivision to appropriate and pay out for the expenses of the local or district council of defense an amount greater than that set forth in the agreement herein required: Provided, That all such payments shall be made through the treasury of the political subdivision designated as agent in such agreement in the manner herein required. Any payment made by any political subdivision to the political subdivision named as agent in the agreement for reimbursement for the payment of the expenses of the local or district council of defense shall be credited by such agent political subdivision to the appropriation made by it for the payment of the expenses of the local and district council of defense and shall be available for the payment of future expenses of the local or district council of defense without further appropriation or action by such agent political subdivision. Any gift or grant of money made to or for the local or district council of defense shall, if made to a political subdivision, be deposited in its treasury and be appropriated by it for the purpose for which such gift or grant was made, and such political subdivision shall notify the political subdivision named as agent in the agreement of such appropriation and the purpose for which it is available. If such gift or grant of money is made to the local or district council of defense, it shall be deposited in the treasury of the political subdivision named as agent in the agreement and shall be appropriated by such political subdivision for the purpose for which such gift or grant was made: Provided, however, That any expendi-

ture made by such agent political subdivision from any gift or grant deposited in its treasury or reimbursed from any gift or grant deposited in the treasury of any other political subdivision shall not be included in computing the reimbursement requested from any other political subdivision under the agreement.

Where local defense council embraces more than one county.

(c) Where the local or district council of defense has jurisdiction in an area including the whole area of one or more counties which is not coterminous* with any one county, before paying any expenses of the local or district council of defense, the counties, all or part of which lie within the jurisdiction of the local or district council of defense, shall enter into an agreement in the manner and form provided in paragraph (b) of this section and with like effect, and no other political subdivision lying within the jurisdiction of the local or district council of defense shall be a party to such agreement. For the purposes of this paragraph the city and county of Philadelphia shall be a county, and the city of Philadelphia shall act for such city and county.

Appropriations to more than one local defense council.

(d) Nothing in this or any other section of this act shall be deemed to limit the power of any political subdivision to appropriate money for the purpose of paying the expenses of a local or district council of defense having jurisdiction both within and without the political subdivision even though an appropriation has been or is to be made to another local or district council of defense coterminous* with or having jurisdiction within such political subdivision: Provided, That any payments on account of such appropriation shall be made pursuant to an agreement as provided in paragraphs (b) and (c) hereof or in the form of a gift or grant to the political subdivision responsible in the first instance for the payment of bills and claims against the local or district council of defense for the payment of the expenses of which such appropriation was made.

Special provisions for second class townships.

(e) No purchase or purchases shall be made, no contract entered into and no expenses incurred by any defense council which involves the payment of more than twenty-five dollars (\$25.00) out of the treasury of any second class township unless the proposed expenditure has been approved in writing by the township supervisors. If any purchase or contract is made or other expenses incurred contrary to the provisions of this subsection the township shall not be responsible for the payment thereof, but the person acting for the defense council in such transaction shall be personally liable for such payment.

* "Co-terminus" in original.

Section 4. Any political subdivision during the fiscal year one thousand nine hundred forty-two may borrow a sum or sums of money necessary for the purposes authorized by this act by the issuance and sale of bonds or notes in the manner provided in the Municipal Borrowing Law, approved June twenty-fifth, one thousand nine hundred forty-one (Pamphlet Laws, one hundred fifty-nine). Such bonds or notes shall mature within one year from the date of issue.

Political subdivisions may borrow for purposes of act.

Section 5. All appropriations and expenditures heretofore made by political subdivisions to local or district councils of defense or for the purposes specified in section 2 of this act are hereby ratified, confirmed and validated.

Prior appropriations confirmed.

Section 6. This act shall become effective immediately upon its final enactment and shall remain in effect so long as a state of war exists between the United States and any foreign country and six months after such state of war ceases to exist.

Effective period.

EMERGENCY CHILD CARE CENTERS ACT

The Act of May 6, 1943, P. L. —, Act No. 89

AN ACT

Relating to child care centers; conferring certain powers and duties upon the State Council of Defense, local and district councils of defense and political subdivisions; providing for the adoption of rules and regulations for the maintenance, operation and conduct thereof; authorizing appropriations by political subdivisions and providing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

WHEREAS, The supreme emergency for the world-wide war has resulted in conditions calling for the employment of all available man-power and woman-power in the industries engaged in war work.—

Section 1. This act shall be known and may be cited as the "Emergency Child Care Centers Act."

Emergency Child Care Centers Act.

Section 2. The following words and phrases shall have the meanings ascribed to them in this section:

Definitions.

"State Council of Defense" shall mean such council established under the provisions of the act, approved the nineteenth day of March, one thousand nine hundred forty-one (Pamphlet Laws, six).

"Local and district councils of defense" shall mean such councils established under the provisions of the act,

approved the nineteenth day of March, one thousand nine hundred forty-one (Pamphlet Laws, six).

“Political subdivision” shall mean any county, city, borough, incorporated town and township.

“Emergency child care centers” shall mean only such emergency child care centers established by the State Council of Defense and local and district councils of defense under the provisions of this act.

The State Council of Defense may establish centers.

Section 3. The State Council of Defense shall, during the continuance of the existing state of war between the United States and any foreign country, have the power to establish emergency child care centers for the purpose of providing care and supervision for three or more children under fourteen (14) years of age, in lieu of the care and supervision ordinarily provided by parents now or hereafter engaged in war industries for periods of more than four but less than twenty-four hours in any one day: Provided, however, That this act shall apply only to emergency child care centers established under the provisions of this act which shall be established without any distinction whatever on account of or by reason of the race, color, or creed of any child.

Rules and regulations.

Section 4. In furtherance of this act the State Council of Defense shall have the power to adopt, promulgate and enforce rules, regulations and orders for the maintenance, operation and conduct of emergency child care centers, and such rules, regulations and orders adopted by the State Council of Defense shall have the same force and effect as if they had formed a part of this act.

In establishing standard requirements for the conduct of child care centers the State Council of Defense may avail itself of the services of the Department of Welfare and the Department of Health.

Charges.

Section 5. Any local or district council of defense may establish a child care center in the political subdivision in which such local or district council of defense is established, or in which it exercises jurisdiction, and may make such charge for the care and supervision of the children entrusted to it as it deems advisable, but no charge shall be made in excess of the charges approved by the State Council of Defense.

Powers and duties of local and district councils of defense.

Section 6. In so far as applicable local and district councils of defense shall have the same powers and duties with respect to child care centers within their respective jurisdictions as are vested in the State Council of Defense but subject to any limitations herein contained.

Section 7. Local and district councils of defense shall have the power to adopt, promulgate and enforce rules, regulations and orders not inconsistent with the rules,

regulations and orders adopted by the State Council of Defense with respect to child care centers: Provided, however, That no rule, regulation or order of any local or district council of defense shall become effective, unless and until it shall have received the prior approval of the State Council of Defense. Each local and district council of defense shall have available for inspection at its offices all rules, regulations and orders adopted by the State Council of Defense, and by such local or district council of defense.

Section 8. Political subdivisions shall have the power to make appropriations in the manner provided by the act approved the seventeenth day of April, one thousand nine hundred forty-two (Pamphlet Laws, forty-two), for the payment of expenses and local and district councils of defense in furtherance of this act.

Appropriations.

Section 9. Any person violating any of the provisions of this act, or any of the rules, regulations and orders adopted under this act by the State Council of Defense, or any local or district council of defense, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding two hundred dollars (\$200) or imprisonment not exceeding ninety (90) days or both.

Violations.

Penalties.

Section 10. This act shall become effective immediately upon final enactment, and shall remain in effect so long as a state of war exists between the United States and any foreign country, or until the State Council of Defense shall be dissolved by proclamation, whichever first occurs.

Act effective immediately for limited period.

